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U.S. DISTRICT COURT  
DISTRICT OF MASS.  
EMAIL: dlurie@luriekropp.com

July 2, 2004

**BY HAND**

Lisa Hourihan  
Courtroom Clerk to The Honorable Reginald C. Lindsay  
United States District Court  
for the District of Massachusetts  
J. Joseph Moakley United States Courthouse  
1 Courthouse Way, Suite 2300  
Boston, MA 02210

Re: ML Strategies, LLC v. The Noisette Company, LLC  
Civil Action No. 04-10641-RCL

Dear Ms. Hourihan:

I am counsel for Plaintiff ML Strategies, LLC ("ML Strategies") in the above-referenced case. I write with regard to Defendant The Noisette Company, LLC's ("Noisette") Motion to Dismiss for Lack of Personal Jurisdiction Pursuant to Rule 12(b)(2) Or In The Alternative For *Forum Non Conveniens* that is pending before Judge Lindsay.

As set forth in ML Strategies' Opposition to Noisette's Motion, subsequent to the filing of this lawsuit (the "Massachusetts Action"), Noisette filed a lawsuit in the United States District Court for the District of South Carolina seeking a declaratory judgment that Noisette did not breach its contract with ML Strategies. The Noisette Company, LLC v. ML Strategies, LLC, USDC-SC No. 2:04-1403-18 (the "South Carolina Action"). ML Strategies filed in the South Carolina Action a Motion to Dismiss, Stay, or Transfer that action in light of the previously-filed Massachusetts Action.

The parties have now agreed to stay consideration of ML Strategies' Motion in the South Carolina Action pending Judge Lindsay's decision on Noisette's Motion in the Massachusetts Action. The South Carolina court has entered an Order to that effect. A copy of the Order dated June 28, 2004 is enclosed.

Would you kindly bring this Order to Judge Lindsay's attention. Given this development, we request that a hearing be scheduled on Noisette's Motion in the Massachusetts Action at the Court's earliest convenience.

WE CONSENT

for H. Brewster Hagood  
Alice F. Paylor, Esquire (ID# 3017)

Rosen, Rosen & Hagood, LLC

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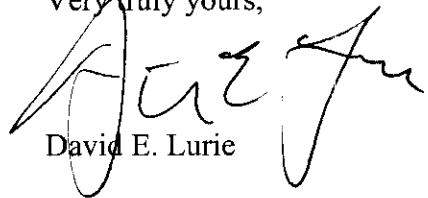
Attorney for The Noisette Company, LLC

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Lisa Hourihan  
July 2, 2004  
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Thank you for your assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "David E. Lurie", written over the typed name.

David E. Lurie

Encl.

cc: Sean F. McDonough, Esq.

UNITED STATE DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

FILED

JUN 28 2004

LARRY W. PRITCHARD  
CHARLESTON, SC

The Noisette Company, LLC,  
  
Plaintiff,  
  
v.  
  
ML Strategies, LLC,  
  
Defendant.

Civil Action No. 2:04-1403-18

This Court has before it ML Strategies, LLC's Motion to Dismiss, Stay or Transfer. The parties have agreed to stay consideration of this Motion until the disposition of a pending Motion to Dismiss for Lack of Personal Jurisdiction Pursuant to Rule 12(b)(2) or In the Alternative for *Forum Non Conveniens* pending in ML Strategies, LLC v. The Noisette Company, LLC, USDC, D. Mass. CA No. 04-10641 RCL. Once the Court in that proceeding rules on that Motion, the parties agree to inform this Court of that decision. At that time, the parties will submit a proposed briefing schedule to this Court, after which time this Court will consider this Motion on the merits.

IT IS SO ORDERED.

Honorable David C. Norton  
United States District Judge

June 28, 2004  
Charleston, SC

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